

FILED

JUN 05 2019

Clerk, U.S. District Court
District Of Montana
Great Falls**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOREN JAMES RIDER,

Defendant.

CR 16-17-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS****I. Synopsis**

Defendant Loren James Rider (Rider) has been accused of violating the conditions of his supervised release. Rider admitted all of the alleged violations. Rider's supervised release should be revoked. Rider should be placed in custody for 6 months, with 12 months of supervised release to follow. Rider should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana.

II. Status

Rider pleaded guilty to Assault Resulting in Serious Bodily Injury on April 26, 2016. (Doc. 51). The Court sentenced Rider to 25 months of custody, followed by 3 years of supervised release. (Doc. 96). Rider's current term of

supervised release began on May 13, 2019. (Doc. 157 at 1).

Petition

The United States Probation Office filed a Petition on May 24, 2019, requesting that the Court revoke Rider's supervised release. (Doc. 157). The Petition alleges that Rider violated the conditions of his supervised release: 1) by failing to report for substance abuse treatment; and 2) by consuming alcohol. (Doc. 157 at 2-3). United States District Judge Brian Morris issued a warrant for Rider's arrest on May 24, 2019.

Initial appearance

Rider appeared before the undersigned for his initial appearance on June 5, 2019. Rider was represented by counsel. Rider stated that he had read the petition and that he understood the allegations. Rider waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on June 5, 2019. Rider admitted that he had violated the conditions of his supervised release: 1) by failing to report for substance abuse treatment; and 2) by consuming alcohol. The violations are serious and warrant revocation of Rider's supervised release.

Rider's violations are Grade C violations. Rider's criminal history category

is IV. Rider's underlying offense is a Class C felony. Rider could be incarcerated for up to 24 months. Rider could be ordered to remain on supervised release for up to 27 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 6 to 12 months.

III. Analysis

Rider's supervised release should be revoked. Rider should be incarcerated for 6 months, with 12 months of supervised release to follow. The supervised release conditions imposed previously should be continued. Rider should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Rider that the above sentence would be recommended to Judge Morris. The Court also informed Rider of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Rider that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Rider stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Loren James Rider violated the conditions of his supervised release by failing to report for substance abuse treatment, and by consuming alcohol.

The Court **RECOMMENDS:**

That the District Court revoke Rider's supervised release and commit Rider to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months, with 12 months of supervised release to follow. Rider should serve the first 60 days of supervised release at Connections Corrections in Butte, Montana.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

DATED this 5th day of June, 2019.


John Johnston
United States Magistrate Judge